



Treaty Series No. 31 (1991)

# Agreement

among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland regarding Inspections relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles

Brussels, 11 December 1987

[The Agreement entered into force on 1 June 1988]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
May 1991*

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**AGREEMENT**  
**AMONG THE UNITED STATES OF AMERICA AND THE KINGDOM OF**  
**BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE REPUBLIC**  
**OF ITALY, THE KINGDOM OF THE NETHERLANDS AND THE**  
**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**  
**REGARDING INSPECTIONS RELATING TO THE TREATY BETWEEN THE**  
**UNITED STATES OF AMERICA AND THE UNION OF SOVIET**  
**SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR**  
**INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES<sup>1</sup>**

The United States of America, and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, noting the terms agreed between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles<sup>2</sup>,

Have agreed as follows:

**ARTICLE I**

**General Obligations**

1. Inspection activities related to Article XI of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington on 8 December 1987, may take place on the territory of the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland and shall be carried out in accordance with the requirements, procedures and arrangements set forth in the Protocol Regarding Inspections Relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles and this Agreement.
2. The Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, hereinafter the Basing Countries, hereby agree to facilitate the implementation by the United States of America of its obligations under the Treaty, including the Inspection Protocol thereto, on their territories in accordance with the requirements, procedures and arrangements set forth in this Agreement.
3. Except as herein agreed by the United States of America and the Basing Countries, nothing shall affect the sovereign authority of each state to enforce its laws and regulations with respect to persons entering, and activities taking place within, its jurisdiction.
4. The Basing Countries do not by this Agreement assume any obligations or grant any rights deriving from the Treaty or the Inspection Protocol other than those expressly undertaken or granted in this Agreement or otherwise with their specific consent.
5. The United States of America:
  - (a) Remains fully responsible towards the Soviet Union for the implementation of its obligations under the Treaty and the Inspection Protocol in respect of United States facilities located on the territories of the Basing Countries;
  - (b) Undertakes on request at any time to take such action, in exercise of its rights under the Treaty, including the Inspection Protocol, as may be required to protect and preserve the rights of the Basing Countries under this Agreement.

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<sup>1</sup> See also: Treaty Series No. 30 (1991) Cm 1534 for Exchange of Notes with the USSR on Inspection Rights.

<sup>2</sup> Not published in the United Kingdom Command Series.

## ARTICLE II

### Definitions

For purposes of the present Agreement:

1. The term "Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles;
2. The term "Inspection Protocol" means the Protocol Regarding Inspections Relating to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles;
3. The term "Inspected Party" means the United States of America;
4. The term "Inspecting Party" means the Union of Soviet Socialist Republics;
5. The term "inspection team" means those inspectors designated by the Inspecting Party to conduct a particular inspection activity;
6. The term "inspector" means an individual proposed by the Union of Soviet Socialist Republics to carry out inspections pursuant to Article XI of the Treaty, and included on its list of inspectors in accordance with Section III of the Inspection Protocol;
7. The term "diplomatic aircrew escort" means that individual accredited to the government of the Basing Country in which the inspection site is located who is designated by the Inspecting Party to assist the aircrew of the Inspecting Party;
8. The term "inspection site" means the area, facility, or location in a Basing Country at which an inspection provided for in Article XI of the Treaty is carried out;
9. The term "period of inspection" means the period from initiation of the inspection at the inspection site until completion of the inspection at the inspection site, exclusive of time spent on any pre- and post-inspection procedures;
10. The term "point of entry" means: in respect of Belgium, Brussels (National); in respect of the Federal Republic of Germany, Frankfurt (Rhein Main Airbase); in respect of Italy, Rome (Ciampino); in respect of the Kingdom of the Netherlands, Schiphol; and in respect of the United Kingdom of Great Britain and Northern Ireland, RAF Greenham Common;
11. The term "in-country period" means the period from the arrival of the inspection team at the point of entry until departure of the inspection team from the point of entry to depart the country;
12. The term "in-country escort" means the official or officials specified by the Inspected Party, one or more of whom may be nominated by the Basing Country within whose territory the inspection site is located, who shall accompany an inspection team throughout the in-country period and provide appropriate assistance to an inspection team, in accordance with the provisions of the Inspection Protocol, throughout the in-country period;
13. The term "aircrew member" means an individual, other than the members of an inspection team, diplomatic aircrew escort and in-country escort, on the aircraft of the Inspecting Party. The number of aircrew members per aircraft shall not exceed ten.

## ARTICLE III

### Notifications

1. Upon entry into force of this Agreement, the Inspected Party and each Basing Country shall establish channels which shall be available to receive and acknowledge receipt of notifications on a 24-hour continuous basis.

2. Immediately upon receipt of notice from the Inspecting Party of its intention to conduct an inspection in a Basing Country, the Inspected Party shall notify the Basing Country concerned thereof and of the date and estimated time of arrival of the inspection team at the point of entry, the date and estimated time of departure from the point of entry to the inspection site, the names of the aircrew and inspection team members, the flight plan (including the type of aircraft as specified therein) filed by the Inspecting Party in accordance with the International Civil Aviation Organization, hereinafter ICAO, procedures applicable to civil aircraft, and any other information relevant to the inspection provided by the Inspecting Party.

3. No less than one hour prior to the estimated time of departure of the inspection team from the point of entry for the inspection site, or in the case of successive inspections conducted pursuant to paragraphs 3, 4, 7 or 8 of Article XI of the Treaty no less than one hour prior to the inspection team's departure from an inspection site for another inspection site, the Inspected Party shall inform the Basing Country of the inspection site, described by place name and geographic co-ordinates, at which the inspection will be carried out.

#### ARTICLE IV

##### Pre-Inspection Arrangements

1. The Inspected Party shall provide the Basing Countries with the initial lists of inspectors and aircrew members, or any modification thereto, proposed by the Inspecting Party immediately upon receipt thereof. Within 15 days of receipt of the initial lists or proposed additions thereto, each Basing Country shall notify the Inspected Party if it objects to the inclusion of any inspector or aircrew member on the basis that such individual had ever committed a criminal offense on the territory of the Inspected Party or the Basing country, or been sentenced for committing a criminal offense or expelled by the Inspected Party or the Basing Country. The Inspected Party shall thereupon exercise its right under the Inspection Protocol to prevent the named individual from serving as an inspector or aircrew member.

2. Within 25 days of receipt of the initial lists of inspectors or aircrew members, or of any subsequent change thereto, each Basing Country shall provide such visas and related documentation as may be necessary to ensure that each inspector or aircrew member may enter its territory for the purpose of carrying out inspection activities in accordance with the provisions of the Treaty and the Inspection Protocol. Such visas and documentation shall be valid for a period of at least 24 months. The Inspected Party shall immediately notify the Basing Countries of the removal of any individual from the Inspecting Party's lists of inspectors or aircrew members, and the Basing Countries may thereupon cancel forthwith any visas and related documentation issued to such person pursuant to this paragraph.

3. Within 25 days after entry into force of this Agreement, each Basing Country shall inform the Inspected Party of the standing diplomatic clearance number for the aircraft of the Inspecting Party which will transport inspectors and equipment into its territory. At the same time each Basing Country shall inform the Inspected Party of the established international airways along which aircraft of the Inspecting Party shall enter the airspace of the Basing Country for the purpose of carrying out inspection activities under the Treaty.

4. Each Basing Country shall accord inspectors and aircrew members of the Inspecting Party entering its territory for the purpose of conducting inspection activities pursuant to the Treaty, including the Inspection Protocol, the privileges and immunities set forth in the Privileges and Immunities Annex to this Agreement. In the event the Inspecting Party refuses or fails to carry out its obligations under Section III, paragraph 7 of the Inspection Protocol to remove an inspector or aircrew member who has violated the conditions governing inspections, the inspector or aircrew member may be refused continued recognition as being entitled to such privileges and immunities.

5. Each Basing country shall issue, at the point of entry, appropriate authorizations waiving customs duties and expediting customs processing requirements in respect of all equipment relating to inspection activities.
6. Each Basing Country shall provide, if requested, facilities at the point of entry for lodging and the provision of food for inspectors and aircrew members.
7. The Basing Country in which the inspection is to take place shall have the right to examine jointly with the Inspected Party each item of equipment brought in by the Inspecting Party to ascertain that the equipment cannot be used to perform functions unconnected with the inspection requirements of the Treaty. If it is established upon examination that a piece of equipment is unconnected with these inspection requirements, it shall not be cleared for use and shall be impounded at the point of entry until the departure of the inspection team from the country.

## ARTICLE V

### Conduct of Inspections

1. Within 90 minutes of receipt from the Inspected Party of notification that a flight plan for an aircraft of the Inspecting Party has been filed in accordance with ICAO procedures applicable to civil aircraft, the Basing Country in whose territory the inspection site is located shall provide the Inspected Party with its approval for the aircraft of the Inspecting Party to proceed to the point of entry via the filed routing, or an amended routing if necessary.
2. The Basing Country in whose territory the inspection site is located shall facilitate the entry of inspectors and aircrew into the country, and shall take the steps necessary to ensure that the baggage and equipment of the inspection team is identified and transported expeditiously through customs.
3. Upon notification by the Inspected Party, in accordance with Article III above, of the inspection site, the Basing Country in whose territory the inspection is to take place shall take the steps necessary to ensure that the inspection team is granted all clearances and assistance necessary to enable it to proceed expeditiously to the inspection site and to arrive at the inspection site within nine hours of the Inspecting Party's notification of the site to be inspected. The Inspected Party and the Basing Country in which the inspection site is located shall consult with respect to the mode of transport to be utilized, and the Basing Country shall have the right to designate the routing between the point of entry and the inspection site.
4. Each Basing Country shall assist the Inspected Party, as necessary, in providing two-way voice communication capability for an inspection team between an inspection site within its territory and the embassy of the Inspecting Party.
5. The Inspected Party and the Basing Country within whose territory an inspection site is located shall consult with respect to aircraft servicing and the provision of meals, lodging, and services for inspectors and aircrew members at the point of entry and inspection site. The cost of the foregoing requested by the Inspected Party and provided by the Basing Country shall be borne by the Inspected Party.
6. In the event the Inspecting Party requests an extension, which shall not exceed eight hours beyond the original 24-hour period of inspection as provided for in Section VI, paragraph 14 of the Inspection Protocol, the Inspected Party shall immediately notify the Basing Country in whose territory the inspection site is located of the extension.

## ARTICLE VI

### Consultations

1. Within five days after entry into force of this Agreement, the Inspected Party and the Basing Countries shall meet to co-ordinate implementation of the inspection activities provided for by Article XI of the Treaty, the Inspection Protocol and this Agreement.

2. A meeting between the Inspected Party and any Basing Country to discuss implementation of this Agreement shall be held within five days of a request for such a meeting by the Inspected Party or a Basing Country.
3. Should any question arise which in the opinion of a Basing Country requires immediate attention, the Basing Country may contact the inspection notification authority of the Inspected Party. The Inspected Party will immediately acknowledge receipt of the inquiry or question and give urgent attention to the question or problem.
4. In the event that a Basing Country determines that an inspector or aircrew member has violated the conditions governing inspection within its territory, the Basing Country may notify the Inspected Party which shall inform the Inspecting Party of the disqualification of the inspector or aircrew member. The name of the individual will be removed from the list of inspectors or aircrew members.
5. A Basing Country may change the point of entry for its territory by giving six months' notice of such change to the Inspected Party.
6. Upon completion of an inspection, the Inspected Party shall advise the Basing Country within whose territory the inspection took place that the inspection has been completed, and upon request of the Basing Country provide a briefing for the Basing Country on the inspection.
7. The United States of America shall not, without the express agreement of the Basing Countries, propose or accept any amendment to Article XI of the Treaty or to the Inspection Protocol that directly affects the rights, interests or obligations of the Basing Countries.

## ARTICLE VII

### Entry into Force and Duration

This Agreement shall be subject to approval in accordance with the constitutional procedures of each Party, which approval shall be notified by each Party to each of the other Parties. Following such notification by all Parties, the Agreement shall enter into force simultaneously with the entry into force of the Treaty and shall remain in force for a period of thirteen years<sup>1</sup>.

Done at Brussels, on the eleventh of December, 1987, in a single original which shall be deposited in the archives of the Government of the United States of America, which shall transmit a duly certified copy thereof to each of the other signatory Governments.

In witness whereof, the undersigned, being duly authorized, have signed this Agreement.

[Here follow the signatures on behalf of the Governments of:

the Kingdom of Belgium,  
the Federal Republic of Germany,  
the Republic of Italy,  
the Kingdom of the Netherlands,  
the United Kingdom of Great Britain and Northern Ireland,  
the United States of America.]

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<sup>1</sup>The Agreement entered into force on 1 June 1988.

## ANNEX

### Provisions on Privileges and Immunities of Inspectors and Aircrew Members

In order to exercise their functions effectively, for the purpose of implementing the Treaty and not for their personal benefit, inspectors and aircrew members shall be accorded the privileges and immunities contained herein. Privileges and immunities shall be accorded for the entire in-country period in the country in which an inspection site is located, and thereafter with respect to acts previously performed in the exercise of official functions as an inspector or aircrew member.

1. Inspectors and aircrew members shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of April 18, 1961<sup>1</sup>.
2. The papers and correspondence of inspectors and aircrew members shall enjoy the inviolability accorded to the papers and correspondence of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations. In addition, the aircraft of the inspection team shall be inviolable.
3. Inspectors and aircrew members shall be accorded the immunities accorded diplomatic agents pursuant to paragraphs (1), (2) and (3) of Article 31 of the Vienna Convention on Diplomatic Relations. The immunity from jurisdiction of an inspector or an aircrew member may be waived by the Inspecting Party in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Treaty. Waiver must always be express.
4. Inspectors and aircrew members of the Inspecting Party shall be permitted to bring into the territory of a Basing Country in which an inspection site is located, without payment of any customs duties or related charges, articles for their personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.
5. An inspector or aircrew member shall not engage in any professional or commercial activity for personal profit on the territory of the Basing Countries.

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<sup>1</sup> Treaty Series No. 19 (1965), Cmnd.2565.

